

Message

From: Minter, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0C1A47CA3AE847E2B7B818DA4734D7FD-MINTER, DOUGLAS]
Sent: 11/8/2017 5:55:46 PM
To: Tinsley, Chuck [Tinsley.Chuck@epa.gov]
CC: Shea, Valois [Shea.Valois@epa.gov]
Subject: RE: Article on DB

Fyi...

From: Chin, Lucita
Sent: Monday, November 6, 2017 2:18 PM
To: Bahrman, Sarah <Bahrman.Sarah@epa.gov>; Minter, Douglas <Minter.Douglas@epa.gov>; Sutin, Elyana <Sutin.Elyana@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Matsumoto, Kimi <Matsumoto.Kimi@epa.gov>; Shea, Valois <Shea.Valois@epa.gov>; Joffe, Brian <Joffe.Brian@epa.gov>; O'Connor, Darcy <oconnor.darcy@epa.gov>
Subject: Article on DB

http://rapidcityjournal.com/news/local/uranium-project-inches-ahead-as-company-eyes-satellite-mine/article_33938311-d03a-57aa-b3e6-889b83a8dda8.html

The company that wants to mine for uranium in southwestern South Dakota has taken a step ahead in the regulatory approval process and identified a potential satellite mine across the border in Wyoming.

The company is Powertech USA, which is part of Azarga Uranium, of Canada. Powertech was awarded a license for the South Dakota project by the U.S. Nuclear Regulatory Commission in 2014, but the Oglala Sioux Tribe and other project opponents filed a number of contentions.

All but two of the contentions were dismissed by the U.S. Atomic Safety Licensing Board in 2015. Last month, the board dismissed one of the two remaining contentions, leaving one yet to be resolved.

The remaining contention is about the lack of a survey of Sioux Native American cultural, religious and historic resources in the proposed mining area. That area — known by the name Dewey-Burdock — is in a sparsely populated region 13 miles northwest of Edgemont, near the old Dewey and Burdock town sites along the southwestern edge of the Black Hills.

The proposed mining area is not on the Oglala Sioux Tribe's Pine Ridge Reservation, but the area was formerly part of the Great Sioux Reservation, and the Black Hills are spiritually significant to the Sioux and other tribes.

The recent Atomic Safety Licensing Board ruling blames the lack of the survey on disputes and poor communication between the tribe and the Nuclear Regulatory Commission over survey methodologies and costs.

"Throughout the consultation process, both the NRC Staff and the Oglala Sioux Tribe have appeared unwilling and/or unable to step away from their original negotiating position and move toward compromise," said the Atomic Safety Licensing Board's Oct. 19 written memorandum and order.

The document lays out a schedule to resolve the dispute by October 2018. That could add another year to a process that dates to 2009, when Powertech applied to the Nuclear Regulatory Commission for a license.

Nevertheless, Azarga Uranium issued a statement saying that the recent ruling "moves the company closer to having the final NRC license contentions resolved."

Bruce Ellison, a Rapid City attorney who represents some of the project opponents who have intervened in the regulatory process, characterized Azarga's reaction as overly optimistic.

"This mining operation is a long way off," Ellison said.

Indeed, other issues remain to be resolved, including the Oglala Sioux Tribe's request to a federal appeals court for a review of the Nuclear Regulatory Commission's decisions.

Additionally, Powertech is awaiting a final decision by the U.S. Environmental Protection Agency on the company's applications to use underground water in the mining process, and to inject the waste fluid back underground.

Powertech plans to use a mining method known as "in situ" — a Latin phrase meaning "in its place." Underground water from as many as 4,000 production wells would be mixed with oxygen and carbon dioxide to form a uranium-dissolving solution. The dissolved uranium would be pumped to the surface, and the solution would be reused and eventually disposed by injecting it back underground. The uranium would be sold for use in nuclear power plants.

Beyond the federal regulatory approvals, the project also needs approvals from the South Dakota Department of Environment and Natural Resources, which has postponed its decisions until after the federal regulatory process is finished.

Mark Hollenbeck, the Edgemont-based project director for Powertech, said the company remains committed to the project despite persistent opposition from opponents, including many who fear that the project will pollute underground water resources.

"There's nothing that's going to satisfy the opposition, and so they will litigate as far as they possibly can and as long as they possibly can," Hollenbeck said.

Evidence of Azarga's commitment to the project arose this week when the company said its analysis of historical data indicated the presence of recoverable uranium just across the Wyoming border, about 10 miles from the Dewey-Burdock site.

A written statement from John Mays, chief operating officer of Azarga, said the Wyoming location "presents an opportunity for a nearby satellite project."

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